

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 22.7(50), 307.12 and 307A.2, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 4, “Public Records and Fair Information Practices,” Iowa Administrative Code.

The proposed amendments:

- Change “citizens’ aide” to “ombudsman” to reflect current Iowa Code language.
- Add a new subrule concerning the confidentiality of the Department’s records relating to security, emergency preparedness or disaster recovery. This new subrule is needed to comply with Iowa Code section 22.7(50)“b.”

These rules do not provide for waivers. Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to Tracy George, Rules Administrator, Iowa Department of Transportation, Operations and Finance Division, 800 Lincoln Way, Ames, Iowa 50010; e-mail: [tracy.george@iowadot.us](mailto:tracy.george@iowadot.us).
5. Be received by the Department’s rules administrator no later than February 21, 2017.

A meeting to hear requested oral presentations is scheduled for Thursday, February 23, 2017, at 1 p.m. in the Administration Building, First Floor, South Conference Room, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 22.7(50)“b.”

The following amendments are proposed.

ITEM 1. Amend paragraph **4.4(2)“b”** as follows:

- b.* To the ~~citizens’ aide~~ ombudsman pursuant to Iowa Code section 2C.9.

ITEM 2. Renumber subrule **4.9(23)** as **4.9(24)**.

ITEM 3. Adopt the following new subrule 4.9(23):

**4.9(23)** Records which contain information concerning security procedures, emergency preparedness, or disaster recovery related to the protection of property, facilities, and transportation infrastructure controlled, occupied, or owned by the department; employees of the department; visitors to the department’s facilities or offices; other persons on premises controlled or owned by the department; or information concerning security procedures, emergency preparedness, or disaster recovery related to persons or property owned by or under the control of another governmental agency or private entity if that information was obtained by the department in relation to planning for emergencies or developing security procedures. Records under this subrule include, but are not limited to, all that contain information relating to vulnerability or risk assessments; security measures, such as security and response plans, security codes and combinations, passwords, restricted area passes, keys,

and security or response procedures; emergency response protocols; and information that, if disclosed, could significantly increase the vulnerability to attack of critical physical systems, infrastructures, or transportation critical assets, including information technology networks and systems. (Iowa Code section 22.7(50))